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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
RAMAKRISHNAIAH, MELUR	

ART UNIT	PAPER NUMBER
2643	7

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/740,854	ARNOTT, ROBERT J.	
	Examiner	Art Unit	
	Melur Ramakrishnaiah	2643	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *of the reasons provided in the eccompanying letter*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *27-29*.

   Claim(s) objected to: *19-21*.

   Claim(s) rejected: *1-2, 4-6, 12-18, 22, 24-26, 30*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Melur Ramakrishnaiah
Primary Examiner
Art Unit: 2643

Response to Applicant's arguments to the final rejection:

Rejection of claims 1-2, 13, 24 under 35 U.S.C 102(e) as being anticipated by Huang (US PAT: 6,148,073):

Applicant's arguments on pages 2-12 regarding the rejection of claims are noted and are not persuasive because of the following reasons: Applicant argues that "considering the teachings of Huang of the claim terms "channel" and "subscriber line", it is submitted that Huang fails to disclose, teach or even suggest the limitations of transmitting and receiving the video and voice components via separates channels of a single subscriber line as recited in the independent claims 1 and 24". Contrary to Applicant's arguments, Huang discloses a communication device with a first interface (630, fig. 2A) to a voice channel of a subscriber line (646, fig. 2A) for transmitting and receiving a voice component of a videoconferencing session, and second interface (644, fig. 2A) to a data channel of the subscriber line (646, fig. 2) for transmitting and receiving video component of the video conferencing session (col. 4 lines 31-42). Notwithstanding the arguments about the subscriber line made by the Applicant, Huang has the similar arrangement as Applicants for setting up videoconferencing session as evidenced by figs. 1-2 of Applicants. For example Applicant's fig. 1 shows two lines: (115, PSTN) and (150, fig. 1) for setting up videoconferencing session. Similarly fig. 2 of Applicants shows two lines: voice network (first line 220, fig. 2) and internet or intranet (290, fig. 2) for setting up videoconferencing session. Applicants calls them a subscriber line which Huang shows as subscriber line (640, fog. 2). Since Huang

teaches the limitation of the applicants claims 1 and 24, rejection of claims is maintained.

Regarding rejection of dependent claims 2, 4-6, 9, 22, 25-26, and 30, Applicant's arguments are tied to the independent claims 1 and 24 being allowable which are not as explained above.

Rejection of claims 4-5, 26, 30 under 35 U.S.C 103(a) as being obvious over Huang in view of Bremer et al. (Pub No: US2001/0022836A1, filed 2-6-1998, hereinafter Bremer):

> Applicant arguments on pages 12-17 regarding rejection of claims 4-5, 26, 30 are noted and are not persuasive because of the following reasons: Applicant argues that first there must be suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Huang does not teach the limitation of claims 4-5, 26, 30 such as ADSL, SDSL, HDSL or VoDSL and DSL modem for communications. However, Bremer

teaches use of as ADSL, SDSL, HDSL or VoDSL and DSL modem for communications (paragraphs: 0057-60, 0031). One of ordinary skill in the art at the time invention was made would be motivated to combine teachings of Bremer with , Huang to facilitate to multiple type of telephone services (paragraph: 0008) and also to achieve efficient data communications using a multichannel communication device (50) as taught by Bremer (paragraph: 0059). Applicant further argues on page 15 of his response to final rejection that "Bremer, while disclosing transmission and reception of multiple telephone services over a single subscriber line, fails to discloses the transmission of the voice and video components of a video conferencing session via separate channels of the same subscriber line". Regarding this, it is to be pointed out that Huang teaches transmission of the voice and video components of a video conferencing session via separate channels of the same subscriber line as explained above with reference to Applicant's arguments with respect to independent claims 1 and 24. Bremer refernce is used for its teaching of use of ADSL, SDSL, HDSL or VoDSL and DSL modem for communications (paragraphs: 0057-60, 0031) as noted above. The combination of Huang and Bremer teaches limitations of claims 4-5, 26, 30 and therefore their rejection is maintained.

Rejection of claims 6 and 9 under 35 U.S.C 103(a) as being obvious over Huang in view of Mihara (US PAT: 6,323,892 B1, filed 7-29-1999): Regarding rejection of claims 6, 9, Applicant's arguments are tied to the independent claims 1 and 24 being allowable which are not as explained above.

Rejection of claim 12 under 35 U.S.C 103(a) as being obvious over Huang in view of Mihara and further in view of Hagebarth (JP 02000092463A): Regarding rejection of claim 12, Applicant's arguments are tied to the independent claims 1 and 24 being allowable which are not as explained above.

Rejection of claims 14-18 and 25 under 35 U.S.C 103(a) as being obvious over Huang in view of Bremer and Fan (US PAT: 6,519, 250B1, filed 4-16-1999): regarding rejection of claims 14-18 and 25, Applicant's arguments are tied to the independent claims 1 and 24 being allowable which are not as explained above.

Claim 22 was inadvertently objected in the final office action based on the mistake that it depended on claim 20 which it was originally, but now it depends on claim 14 according to the Applicant's amendment dated 8-12-2003, and which was objected to the final office action dated 10-9-2003 based on mistake it still depended claim 20. But claim 22 can be rejected under 35 U.S.C 103(e) as being obvious over Huang in view of Bremer and Fan. Regarding claim 22, Fan teaches establishing Communication channel using Internet Protocol address (IP) with the second communication device (col. 4 lines 57-67, col. 5 lines 1-25). The combination of Huang in view of Bremer and Fan teaches the limitations of claim 22.

In light of the above arguments, rejection of claims 1, 2, 4-6, 9, 12-18, 22, 24-26, and 30 is maintained.